Article - Estates and Trusts

§13–203.

   (a)   (1)   While a petition for appointment of a guardian or other protective order is pending, the court may preserve and apply the property of the alleged disabled person or minor as may be required.

      (2)   The court need not give notice to other persons.

   (b)   (1)   The court may not exercise the power conferred by subsection (a) of this section unless it appears from specific facts shown by affidavit that immediate, substantial, and irreparable injury will result to the applicant or to the minor or disabled person before an adversary hearing can be held.

      (2)   The court may communicate informally with the minor or disabled person before taking action.

      (3)   Any order shall be served immediately on the minor or disabled person.

   (c)   (1)   Except for the limitations contained in § 13–106 of this title, after appointment of the guardian, the court has all the powers over the property of the minor or disabled person that the person could exercise if not disabled or a minor.

      (2)   The powers that a circuit court has under paragraph (1) of this subsection include the power to authorize or direct the guardian to:

         (i)   Make gifts from the principal and income of the estate; and

         (ii)   Disclaim on behalf of the minor or disabled person, in whole or in part, the right of succession or transfer to that person of any property or interest in any property.

      (3)   The powers that a circuit court has under paragraph (2) of this subsection are in addition to and may not limit the power:

         (i)   Conferred upon the guardian to make distributions under § 13–214 of this subtitle; and

(ii)   Conferred upon the guardian or the circuit court, without appointing a guardian, to disclaim or authorize or direct a disclaimer on behalf of a minor or disabled person under § 9–201(c) of this article.

(d)   A guardian or any other interested person may invoke the jurisdiction of the court at any time to resolve questions concerning the estate or its administration.